

NANCY L. ABELL (SB# 088785)
nancyabell@paulhastings.com
HEATHER A. MORGAN (SB# 177425)
heathermorgan@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000 / Facsimile: (213) 627-0705

GINA GUARIENTI COOK (SB# 245611)
ginacook@paulhastings.com
PAUL HASTINGS LLP
55 Second Street, Twenty-Fourth Floor
San Francisco, CA 94105
Telephone: (415) 856-7000 / Facsimile: (415) 856-7100\

Attorneys for Defendants
KAISER FOUNDATION HEALTH PLAN, INC.,
KAISER FOUNDATION HOSPITALS, and
THE PERMANENTE MEDICAL GROUP, INC.

[Plaintiffs' Counsel listed on next page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRENDA HILL, MEDHANIE
BERNE, PATSY HARDY,
MICHELLE MIKE, EVELYN
JENNINGS and RENA
HARRISON, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH
PLAN, INC.; KAISER
FOUNDATION HOSPITALS,
INC.; and THE PERMANENTE
MEDICAL GROUP, all doing
business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM,

Defendants.

Case No. CV 10 2833-RS

**STIPULATION AND [PROPOSED] ORDER
RESCHEDULING CASE MANAGEMENT
CONFERENCE**

Judge: Hon. Richard Seeborg
Department: Courtroom 3, 17th Floor

Complaint Filed: June 28, 2010

Case No. CV 10 28833-RS

1 GORDON W. RENNEISEN
2 grenneisen@cornerlaw.com
3 CORNERSTONE LAW GROUP
4 595 Market Street, Suite 2360
5 San Francisco, California 94105
6 Telephone: (415) 625-5025
7 Facsimile: (415) 655-8236

8 JEREMY L. FRIEDMAN
9 jlfried@comcast.net
10 Attorney At Law
11 2801 Sylhowe Road
12 Oakland, California 94602
13 Telephone: (510) 530-9060
14 Facsimile: (510)530-9087

15 KENDRA L. TANACEA
16 Kendra.tanacea@sbcglobal.net
17 LAW OFFICES OF KENDRA L. TANACEA
18 198 Corbett Avenue
19 San Francisco, California 94114
20 Telephone: (415) 934-8844
21 Facsimile: (415) 934-8840

22 Attorneys for Plaintiffs
23 BRENDA HILL, MEDHANIE BERNE,
24 PATSY HARDY, MICHELLE MIKE,
25 EVELYN JENNINGS and RENA HARRISON
26 on behalf of themselves and all others similarly situated
27
28

1 IT IS HEREBY STIPULATED by and among the Plaintiffs, Brenda Hill,
 2 Medhanie Berne, Patsy Hardy, Michelle Mike, Evelyn Jennings and Rena Harrison (hereinafter
 3 “Plaintiffs”), by and through their counsel of record, Jeremy L. Friedman, Gordon W. Renneisen
 4 of Cornerstone Law Group, and Kendra L. Tanacea of Law Offices of Kendra L. Tanacea, and
 5 Defendants Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, and The
 6 Permanente Medical Group, Inc. (hereinafter “Defendants”), by and through their counsel of
 7 record, Nancy L. Abell of Paul Hastings LLP, as set forth below.

8 WHEREAS:

9 1. In accordance with the Court’s Order of August 1, 2011, Plaintiffs filed a
 10 Second Amended Complaint on September 8, 2011,

11 2. In accordance with the Court’s Order of August 1, 2011, Defendants have
 12 30 days from the filing of the Second Amended Complaint in which to file a Motion to Dismiss
 13 Plaintiffs’ Second Amended Complaint or in the Alternative, to Strike and for a More Definite
 14 Statement (the “Motion to Dismiss”).

15 3. Defendants intend to file a Motion to Dismiss. Defendants in part contend
 16 that the class definition set forth in the Second Amended Complaint is too vague and overly
 17 broad. Defendants will in part seek an order dismissing all class allegations set forth in the
 18 Second Amended Complaint or, in the alternative, requiring Plaintiffs to provide a more definite,
 19 narrower class definition.

20 4. A Case Management Conference currently is set for September 29, 2011.
 21 The Court’s May 5, 2011 Order provides that, prior to the September 29 Case Management
 22 Conference, the parties are to file an updated Joint Case Management Statement, together with a
 23 proposed comprehensive pre-class-certification discovery schedule (including any proposals re
 24 limitations or modifications of discovery rules) and a proposed briefing and hearing schedule for
 25 the motion for class certification.

26 5. The parties have concluded that it would not be practicable to prepare a
 27 comprehensive pre-class-certification discovery schedule or a proposed briefing and hearing
 28 schedule for the motion for class certification until after the Court has ruled on the Motion to

1 Dismiss and the parties know whether (a) the case will be litigated based on the class definition
2 set forth in the Second Amended Complaint, (b) the Court will grant Defendants' motion to
3 dismiss all class allegations set forth in the Second Amended Complaint, or (c) the Court will
4 grant Defendants' alternative motion for an order requiring Plaintiffs to provide a more definite,
5 narrower class definition.

6 6. Although the parties have exchanged Rule 26 disclosures and an initial
7 round of discovery responses, it would not be practicable to conduct depositions or a new round
8 of written discovery relating to class certification issues before the Court rules on the Motion to
9 Dismiss. The Court's August 1, 2011 Order in part provides: "The parties will not proceed with
10 any further discovery until the earlier of . . . the date that the Court rules on a motion filed by
11 Defendants in response to any Second Amended Complaint filed by Plaintiffs, or . . . the date that
12 Defendants file an answer."

13 THEREFORE, THE PARTIES HEREBY STIPULATE, AND JOINTLY
14 REQUEST THE COURT TO ORDER THAT:

15 1. The Case Management Conference currently set for September 29, 2011
16 will be rescheduled for December 15, 2011.

17 2. The parties will have until December 1, 2011 to file an updated Joint Case
18 Management Statement, together with a proposed comprehensive pre-class-certification discovery
19 schedule (including any proposals re limitations or modifications of discovery rules) and a
20 proposed briefing and hearing schedule for the motion for class certification.

21
22 **ORDER**

23
24 IT IS SO ORDERED.

25
26 Dated: 9/15/11



27 HONORABLE RICHARD SEEBORG
28 UNITED STATES DISTRICT JUDGE

1 Dated: September 14, 2011

2 Respectfully Submitted By:

3 NANCY L. ABELL
4 HEATHER A. MORGAN
5 PAUL HASTINGS LLP

6 By: /s/ Nancy L. Abell
NANCY L. ABELL

7 Attorneys for Defendants
8 KAISER FOUNDATION HEALTH PLAN, INC.,
9 KAISER FOUNDATION HOSPITALS, and
10 THE PERMANENTE MEDICAL GROUP, INC.

11 GORDON W. RENNEISEN
12 CORNERSTONE LAW GROUP

13 JEREMY L. FRIEDMAN
14 ATTORNEY AT LAW

KENDRA L. TANACEA
LAW OFFICES OF KENDRA L. TANACEA

15 By: /s/ Gordon W. Renneisen
16 GORDON W. RENNEISEN

17 Attorneys for Plaintiffs
18 BRENDA HILL, MEDHANIE BERNE,
19 PATSY HARDY, MICHELLE MIKE,
EVELYN JENNINGS and RENA HARRISON
on behalf of themselves and all others similarly situated

20
21 LEGAL_US_W # 69117362.2
22
23
24
25
26
27
28